

Docket No. 8038-1044

Appln. No. 10/677,535

REMARKS

Applicant notes with appreciation the indication that claim 22 is allowed and that claims 6-8 are allowable.

However, each of claims 1-14 and 20-22, including claims 9-12 and 20 which are withdrawn from consideration as being directed to a non-elected species, are believed patentable for at least the reasons set forth below.

Claims 1-2, 13, 14 and 21 were rejected under 35 USC 103(a) as obvious over CN 1,424,615 in view of TAYLOR et al. 5,299,043. That rejection is respectfully traversed.

Claim 1 recites that the front housing member and the rear housing member are non-detachably hingedly coupled together via a coupling structure.

As recognized in the Official Action, CN '615 does not disclose a coupling that is non-detachably hingedly coupled together via a coupling structure.

Rather, as previously argued, (page 7 of Amendment of September 21, 2007) CN '615 is not hingedly connected at all, whether detachably or non-detachably. The coupling structure in CN '615 is a snap fit assembly that does not hinge.

Thus, it is improper to combine the snap fit structure of CN '615 with the hinged structure of TAYLOR in the first instance as these are two alternative structures that are not interchangeable.

Docket No. 8038-1044

Appln. No. 10/677,535

In any event, TAYLOR is offered for a coupling that is non-detachably hingedly coupled together, with the Official Action concluding that it would have been obvious to modify CN '615 to have a coupling that is non-detachably hingedly coupled together in order to increase the security of the device.

However, this position is believed to be untenable because the proposed modification would not only render CN '615 inoperable, but also the resultant device would not meet the present claims.

The modification of CN '615 with the teaching of TAYLOR to incorporate non-detachable hinges in order to make a more secure device would not enable the device of CN '615 to be assembled thereby leading to inoperability.

As seen in Figure 3 of CN '615, coupling part 26a, which is part of coupling structure (26a, 26b) is on both sides of frame 19 at 23. See Figure 5. Although not shown, coupling part 26b is on both sides of frame 8 to mate with coupling part 26a.

It is not apparent how a hinge structure as suggested would be assembled, let alone be hingedly coupled to both sides of the device of CN '615. A hinged structure requires one end to be free in order to operate (pivot).

The Examiner has not established obviousness because the applied references neither teach nor would have suggested to the skilled artisan the proposed modification of CN '615 in view

Docket No. 8038-1044

Appln. No. 10/677,535

of TAYLOR due to the resulting inoperability.

Moreover, having a "secure" coupling structure on both sides of the CN '615 device would keep the device closed (at all times) and not allow the device to be hingedly coupled as required to meet the present claims.

In view of the above, it is apparent that the proposed modification is improper and thus, would not have been obvious to one having ordinary skill in the art. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-5, 13, 14 and 21 were rejected under 35 USC 103(a) as unpatentable over IDA et al. 5,666,172 in view of TAYLOR et al. That rejection is respectfully traversed.

As recognized in the Official Action, IDA does not disclose a coupling that is non-detachably hingedly coupled together via a coupling structure.

TAYLOR is offered for this feature, with the Official Action concluding that it would have been obvious to modify IDA to have a non-detachable device in order to increase the security of the device.

However, this position is believed to be untenable because the proposed modification would render IDA unsatisfactory for its intended purpose.

The Federal Circuit has held that if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no

Docket No. 8038-1044
Appln. No. 10/677,535

suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

IDA uses bent ends 523, 853 that cooperate with each other not only to enable the lid 850 having bent end 853 to rotate with respect to the frame 500, but also to provide a sufficient gap 901 so that the light 815 can be removed from the device.

The hinge structure of TAYLOR is for a flat lid. It does not appear that such a hinge structure would enable IDA to rotate the amount required of IDA and to provide a gap sufficient for removal of the light 815 of the IDA device.

Rather, the hinge of Taylor would appear to add additional bulk based on the need to attach such hinge to both the lid and the frame.

Moreover, IDA includes a bent end in order to increase the rigidity of the frame. See column 6, lines 3-8.

Since such bent end also provides the pivoting function in IDA (see column 6, lines 38-42 and Figure 5), replacing the bent ends of IDA with a non-detachable hinge as disclosed by TAYLOR would necessarily entail removal of the bent end. Such removal of the bent end would not enable the device of IDA to have the required rigidity and thus, would make it unsatisfactory for its intended purpose.

In view of the above, it is apparent that the proposed modification is improper and thus, would not have been obvious to

Docket No. 8038-1044

Appln. No. 10/677,535

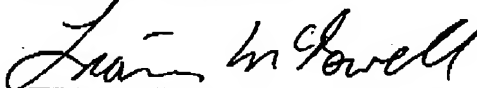
one having ordinary skill in the art. Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing Remarks, it is believed that the present application is in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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